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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,139	06/25/2003	Russell Whitaker	STE01 P1156	3991

277 7590 07/12/2004

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EXAMINER

SZUMNY, JONATHON A

ART UNIT PAPER NUMBER

3632

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,139

Applicant(s)

WHITAKER ET AL.

Examiner

Jon A Szumny

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 is/are allowed.
- 6) ☒ Claim(s) 1-11 and 17 is/are rejected.
- 7) ☒ Claim(s) 12-16 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/25/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

This is the first office action for application number 10/606,139, Adjustable Keyboard Support, filed on June 25, 2003.

Information Disclosure Statement

Receipt is acknowledged of Form PTO-1449, Information Disclosure Statement, which has been reviewed by the Examiner.

Specification

The disclosure is objected to because of the following informalities:

In paragraph 16, line 3, "arm 78" should be --arm 80--;

In paragraph 17, line 2, "arm 88" should be --arm 18--;

In paragraph 19, line 3, "wedge surface 133" is not shown;

In paragraph 20, line 1, "is best" should be --as best--;

In lines 4 and 6, it appears "shaft 62" should be --shaft 146--;

In lines 13-14, it is not understood what is meant by "The reduction and the frictional engagement...";

In line 15, "arm 110" should be --arm 100--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the upwardly directed force" in line 11. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 11 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent number 6,450,467 to Timm.

Timm '467 discloses a support mechanism (figures 1-5) comprising a mounting bracket (30), a support arm (32,34) having a first end (top half, generally, see figure 10) thereof operably coupled with the mounting bracket, and a second end (bottom half, generally, see figure 10); a platform having having a first section (42,44,48) having a forward portion (right side in figure 2, generally) and a rearward portion (left side in figure 2, generally) disposed generally opposite the forward portion and operably coupled to the second end of the support arm, and a second section (20, 110,112,

generally) having a forward portion and a rearward portion disposed generally opposite the forward portion of the second section and pivotably coupled to the forward portion of the first section at a first point (near 140,142); and an adjustment mechanism having an actuator member (60,153,62) defining a length and operably coupled with the first section of the platform (at 64, generally), and a linking member (152) operably coupled to the rearward portion of the second section of the platform at a second point (near 145) and adjustable along the length of the actuator member (when 60 is twisted, 152 inherently rides along the actuator member) such that an adjustment of the linking member along the length of the actuator member causes the platform to pivot about the first point, thereby adjusting a tilt of the second section of the platform relative to the support surface; wherein the actuator includes a graspable head (60) outwardly disposed from the platform.

Allowable Subject Matter

Claim 19 is allowed.

Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Claims 2-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 12-16 and 18 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 12, the prior art as applied against claim 11 failed to further specifically teach the forward portion of the second section to include a pair of opposing flanges defining the second point, and wherein the linking member includes a pair of grooves on opposite sides thereof that slidably receive the flanges therein.

With respect to claim 16, the prior art as applied against claim 11 failed to further specifically teach the actuator to include a threaded shaft such that the linking member is threadably coupled to the threaded shaft and adjustable along the length.

Regarding claims 1 and 19, the prior art taught many examples of adjustable keyboard mechanisms each including a mounting bracket, a platform, a support arm and a locking mechanism. However, the prior art failed to specifically teach an adjustable keyboard mechanism including a mounting bracket adapted for attachment to a support surface; a platform having a forward portion and a rearward portion thereof disposed generally opposite the forward portion; a support arm having a first end thereof pivotally coupled with the mounting bracket at a first point and slidably coupled with the mounting bracket at a second point, and a second end pivotally coupled with the platform at a third point; and a locking mechanism, comprising: a center arm having a first end slidably coupled to the mounting bracket at the second point, and pivotally

coupled with the platform at the third point, such that the upwardly directed force exerted on the platform allows the center arm to slide with respect to the second point; at least two planar frictional members sandwiching and frictionally engaging the center arm, such that the sliding movement of the center arm with respect to the second point is restricted, a wedge member having an angled surface, and an abutment surface opposite the angled surface of the wedge member and adapted to abut one of the frictional members, and a wedge arm having a first end pivotally coupled to the platform at a fourth point, and a second end slidably coupled to the mounting bracket at the second point such that the upwardly directed force exerted on the platform causes the wedge arm to slide with respect to the second point, the second end of the wedge arm having an angled surface adapted to abut the angled surface of the wedge member such that sliding of the wedge arm due to the upwardly directed force exerted on the platform reduces a force exerted on the wedge member by the wedge arm and reduces the frictional engagement between the frictional members and the center arm, thereby allowing the center arm to slide with respect to the second point and the height of the platform to be adjusted relative to the support surface.

Conclusion

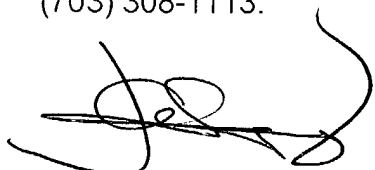
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reese et al. '835, McConnell '136, Lin '933, Voeller et al. '693, Pangborn et al. '538, LeClair et al. '031, VanderHeide et al. '127, Barber '168, Knight '797 and Gilmer, Jr. et al. '022 teach various adjustable keyboard support mechanisms.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink, appearing to read 'Jon Szumny', with a large, sweeping flourish extending from the end of the signature.

Jon Szumny
Patent Examiner
Technology Center 3600
Art Unit 3632
June 30, 2004